

ECF Update

Volume 2, Issue 2

August, 2005



Court Information

- [ECF Help Desk](#)
800-442-6850
- [Online ECF Help](#)
www.txnb.uscourts.gov/help
- [Website](#)
www.txnb.uscourts.gov

ECF or Diskette Filing Document Types

Petitions, pleadings

- PDF FORMAT (scanned documents)

Matrices

- TXT (text) FORMAT

Orders in ECF Order Upload

- WORD PROCESSING FORMAT (specifically, WordPerfect or Microsoft Word)

On-line Fee Payments

On some occasions it is necessary to temporarily suspend a filer's ECF filing privileges when required filing fees remain unpaid for a period in excess of 48 hours.

Users with outstanding fees due will receive an e-mail notification with specific information regarding the delinquent fees prior to the suspension of their filing privileges. Upon receipt of such notification, you are urged to take immediate action to avoid the pending account suspension.

Once suspended, only fol-

lowing the steps outlined below can restore electronic filing privileges.

1. Log into your ECF account.
2. Click on "Utilities".
3. Click on "Internet Payments Due" (window will appear listing the specific fees due).
4. Click "Pay Now" and complete the payment process on the Pay.gov screen.

Note: After the payment process is completed, it may be necessary to re-

fresh or close/reopen your browser in order to restore your ECF menu items.

This procedure went into effect on **07/25/2005**. If you receive notification of a fee due, and believe the unpaid filing fee has been assessed in error, you should notify the court at nofee@txnb.uscourts.gov for resolution.

Any questions regarding the fee collection process may be directed to the email address referenced above, or by phone at (214) 753-2600 or (214) 753-2007.

Form 21 - Compliance

Rule 1007(f) requires a verified statement containing the debtor's SSN to be submitted **with** the petition, and Form B21 provides for this requirement. You should file Form 21 as a separate event during the case opening process. Once

filed, the form will not be available for public review.

Many of the commonly used petition preparation software includes this separate entry as part of the automated filing procedure. Also, since the

SSN is required to be kept private, this form should NEVER be included with any other PDF, such as the petition or late filed schedules. It is imperative that this form be filed with the petition so that the debtor's SSN can be verified before any notices are sent to creditors or parties in interest.

Since the implementation of this requirement the clerk's office has noted numerous instances where the debtor or debtor's attorney are not submitting form 21 with the petition. Failure to timely file Form 21 may result in your case being dismissed or the debtor/debtor's attorney re-noticing the §341 meeting.

Below: ECF Administration and Help Desk—L to R: Jason McDonald, Evelyn Alford (retired), Linda Gonzalez, Tracy Nunns, Pat Blunt, Lee Stoa



Request for Clerk's Entry of Default – Bankruptcy Rule 7055 and Rule 55 of the Federal Rules of Civil Procedure

Federal Rule of Civil Procedure 55 provides that default must be entered by the clerk, "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, . . ." Fed. R. Civ. P. 55(a).

The clerk is permitted to enter a default only when presented with an

affidavit or affirmation setting forth the facts. These facts should normally include:

1. Date of issuance of the summons;
2. Statement of whether the court fixed a deadline for the filing of an answer or motion, or whether the 30 (or 35) day limit applies;
3. Date of service of the complaint;

4. Date of filing of affidavit of service;

5. Statement that no answer or motion has been received within the time limit fixed by the court or by Fed. R. Bankr. P. 7012(a); and

6. Statement that the defendant is not in the military service, as required by 50 U.S.C. app. § 520.

Substitution of Counsel - Notice vs. Motion

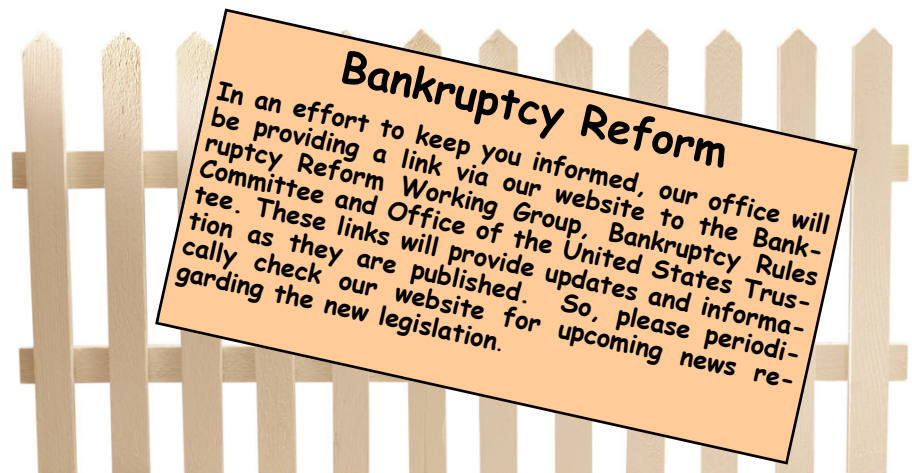
If an attorney leaves one law firm and moves to another law firm, a *Motion to Substitute Counsel* and proposed order should be filed with the clerk's office in each individual case that is affected. The same motion PDF, with a detailed list of cases attached, should be filed in each case.

If an attorney moves within a law firm and needs to substitute him or herself on existing cases, a *Notice of Substitute Counsel* should be filed with the clerk's office in each individual case that is affected. The same notice PDF with a detailed list of affected case attached, should be filed in each case. A motion is not necessary if the attorney moved within their existing law firm.

For help with these types of documents, please contact the Help Desk prior to filing.

Providing Contact Information on Pleadings

For all pleadings and notices filed with the clerk's office, the filer should include contact information including the filer's name, telephone number, and e-mail address. This is in compliance with our administrative procedures and Local Bankruptcy Rule 5005.1. This assists our office in contacting you when questions arise or errors are detected.



NEW Check for Correct Party Role Type

A number of ECF entries allow the filer to add a party to the case. We need your help to ensure that the proper party role type is used. A common culprit is the Motion to Avoid Lien event.

When adding the lienholder, be sure to pick the Creditor role type. If filers accept the default role type, this party could be mistakenly entered as a Debtor! When adding a party, please carefully check that you have chosen the appropriate role type.

Agreed Motion and Order for Relief From Stay

When filing an agreed motion for relief from stay, please ensure all signatures are included and visible on the PDF document. The /s/ for the signature is acceptable as long as you include a certificate of conference with the motion. Also, please ensure you have agreement from the trustee. The correct event code to use is *Relief from Stay (agreed) (no fee due)*. The agreement needs to clearly set forth in the motion if it is being filed as an Agreed Motion for Relief from Stay, even if the proposed order is agreed. Otherwise, the filer may be charged a regular MFRFS filing fee.

Enhanced BNC Mail Batch Process

Effective August 8, 2005, the Bankruptcy Noticing Center (BNC) has expanded the process for identifying, batching and mailing printed notices for a single addressee from a district-only basis to a national basis. This improvement will provide better service to bankruptcy notice recipients while significantly increasing the judiciary's bulk mail postage discounts.

Currently, all notices to the same addressee are placed in a single mailing package on a district-by-district basis, a process which substantially reduces postage ex-

penses over the mailing of multiple envelopes to the same recipient. BNC has changed the process so that all notices to the same addressee from multiple court districts will be placed in the same mailing package by BNC using a new national multi-stuff process.



The return address for all national multi-stuff mail will be BNC. If a package is returned to the BNC by the U.S. Postal Service as non-deliverable, the BNC will forward each returned notice from the package to the return address specified by the court by fax, email, or first class postage. All returned mail will be forwarded by the BNC to the return address specified by the court within two business days.

Rescheduled §341 Meetings -

As soon as the §341 meeting is continued or rescheduled, the trustee should file the *Meeting of Creditors Continued*.

This event is located under the bankruptcy/trustee menu and should be docketed before the debtor's attorney files a notice of continued/rescheduled §341 meeting. Otherwise, there is no entry on the docket showing the §341 meeting was continued to which the debtor's attorney can link the notice of continued/rescheduled §341 meeting.



Retirement Farewells

The Clerk's Office said farewell to eight of our long term employees - Melba Holden, Debbie Hueston, Rosie Shivers, Toni Wright, Flo Coleman, Billie Brown, Evelyn Alford, and Jane Baker. We congratulate them on their extensive careers in the clerk's office and the valued contributions they have made during their tenure.



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